

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GARY SHAWN NICHOLSON,

Petitioner,

v.

JUSTIN RUDEK, Warden,

Respondent.

)
)
)
)
)
)
)
)
)
)
)

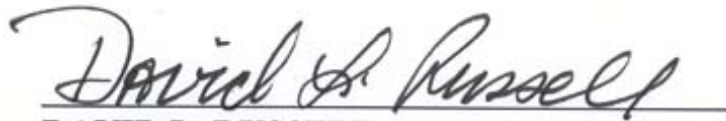
Case No. CIV-11-1286-R

ORDER

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Valerie K. Couch for preliminary review. In proceedings before Judge Couch, Respondent filed a motion to dismiss, to which Petitioner did not respond. Assessing the merits of the motion to dismiss, Judge Couch recommended that the petition be dismissed, in part because the Court lacked jurisdiction because Petitioner was no longer in custody for purposes of the conviction he sought to challenge, and in part because his attempt to challenge other convictions was untimely. Petitioner has not objected to the Report and Recommendation within the time limits prescribed, nor has he sought an extension of time in which to object. Accordingly, the Report and Recommendation is hereby ADOPTED IN ITS ENTIRETY, and the Petition is DISMISSED with regard to Petitioner's convictions in Case Nos. CF-91-43, CF-94-68, and CF-96-92, District Court of Tillman County, for want of jurisdiction and with regard to Case No. CF-2004-36, District Court of Tillman County,

because the habeas corpus challenge to that conviction is untimely. Judgment shall be entered accordingly.

IT IS SO ORDERED this 16th day of April, 2012.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE